



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only	
Received:	
Date: <u>NOV 18 2013</u>	
Reviewed by: _____	
Date Reviewed: _____	

Applicant: Lake Wenatchee Water District

Application Number: CHEL-12-07

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **November 14th, 2013**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **November 14th, 2013** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **November 14th, 2013** and submits this record of decision to the Department of Ecology for final review.

Signed:

Don Phelps
Don Phelps, Chair
Chelan County Water Conservancy Board

Date: 11-14-13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Waikale Frantz
Waikale M. Frantz, Member
Chelan County Water Conservancy Board

Date: 11/14/13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Karin Whitehall
Karin Whitehall, Member
Chelan County Water Conservancy Board

Date: 11/14/13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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040-105(03/03)

Record of Decision No. (WR Change App Number)



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON



Report of Examination

<input checked="" type="checkbox"/> Surface Water	<input type="checkbox"/> Ground Water		
DATE APPLICATION RECEIVED 09/13/2012	WATER RIGHT DOCUMENT NUMBER SWC 9776	WATER RIGHT PRIORITY DATE 08/15/1963	BOARD-ASSIGNED CHANGE APPLICATION NUMBER CHE-12-07

NAME

Lake Wenatchee Water District (LWWD)

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
c/o Marc Marquis Peterson & Marquis Law Office 1227 First Street	Wenatchee	WA	98801

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal
 ☒ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt ☒ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.1cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE Continuous Community Domestic Supply				
SOURCE Barnard Creek			TRIBUTARY OF (IF SURFACE WATER) Lake Wenatchee				
AT A POINT LOCATED: PARCEL NO. 271718925090	¼	¼ Gov. Lot 2	SECTION 18	TOWNSHIP N. 27N	RANGE 17E	WRIA 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED Gov Lot 4, Sec. 18, T 27N, R17EWM Chelan County							
PARCEL NO.	¼	¼ Gov Lt 4	SECTION Sec. 18	TOWNSHIP N. T27N	RANGE, 17E		

Proposed Use

MAXIMUM CUB FT/ SECOND 0.1cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 6af	TYPE OF USE, PERIOD OF USE Municipal Continuous				
SOURCE Two Wells			TRIBUTARY OF (IF SURFACE WATER) Lake Wenatchee				
AT A POINT LOCATED: PARCEL NO. 271613410050 271718400050	¼ NE NW	¼ SE SE	SECTION 13 18	TOWNSHIP N. 27N 27N	RANGE 16EWM 17EWM	WRIA 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board’s Decision on the Application

MAXIMUM CUB FT/ SECOND 0.1cfs		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR 6.0af		TYPE OF USE, PERIOD OF USE Municipal Continuous	
SOURCE Two Wells				TRIBUTARY OF (IF SURFACE WATER) Lake Wenatchee			
AT A POINT LOCATED: PARCEL NO. 271613410050 271718400050		¼ NW NE	¼ SE SE	SECTION 13 18	TOWNSHIP N. 27N 27N	RANGE 16E 17E	WRIA 45 45
COUNTY. Chelan							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO.		¼	¼	SECTION	TOWNSHIP N.		RANGE,

DESCRIPTION OF PROPOSED WORKS

Water will be purveyed via a newly constructed municipal water system that will provide water to the subject area which is located within the service area of the Lake Wenatchee Water District. The applicant may install additional wells at authorized POWs as required to access maximum Qi as provided by, and in compliance with, Chapter 90.44.100(3) RCW.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Project Started	COMPLETE PROJECT BY THIS DATE: 2022	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 2032
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REPORT

BACKGROUND

Public notice of the application was published in the Wenatchee World on 2/21/13 and 2/28/13. Protest period ended on 03/30/2013. See attached Notice of Application for Changes to a Water Right together with its affidavit of publication. In addition to publication, this notice was sent to the Department of Fish and Wildlife, Indian Tribes, and other Parties of Record.

Attributes of the water right and the proposed changes as recited in the notice are as follows:

Name on Claim	Lester Addition Water Company
Document Number	SWC-9776C
As Modified by Change #	NA
First Use/Priority	8/15/1963
Source	Barnard Creek
Qi	0.10cfs
Qa	None provided
POW	Gov Lot 2, Sec. 18, T27N, R17EWM Chelan County
Place of Use	Gov Lot 4, Sec. 18, T 27N, R17EWM Chelan County
Purpose of Use	Community Domestic Supply
Provisions	NA

TAKE NOTICE: That on 9-13-2012 Lake Wenatchee Water District of Chelan County, Washington filed an application with the Chelan County Water Conservancy Board which was accepted and assigned identifier No. CHEL-12-07. You are encouraged to inquire further as directed below, but be advised of the following details:

Surface Water Certificate 9776 originally issued to Lester Addition Water Company with a priority date of 8/15/1963 authorizes the diversion of 0.10 cubic feet per second from Barnard Creek at a point located within Government Lot 2, Sec. 18, T27N, R17EWM for use within Government Lot 4, Sec. 18, T27N, R17 all in Chelan County, WA to provide for community domestic supply.

Proposed changes to this right include authorization of additional points of withdrawal locations TBD in Sections 12 and/or 13, T27N, R16EMW and/or Sections 7, 17, and/or 18 T27N, R17EWM and changing the place of use to the service area of the Lake Wenatchee Water District to allow for redistribution as municipal supply.

Signatures:

Lester Addition Water Company has executed a MOU with LWWD to provide for redistribution of the subject right by the LWWD. The applicant has provided all required signatures on the application for the purposes of conforming the water right to the service area of the LWWD.

Tentative Determination

The source of water, location of withdrawal/diversion, place of use, and extent of beneficial use are as tentatively described on the front page of this report. Hearings were held in Chelan County by the Chelan County Water Conservancy Board which tentatively determined the extent and validity of the right as referenced above following investigation into the historical water use as described below. A full analysis of the Board's tentative determination is provided in the Investigation Section.

SEPA:

This transfer is a component of numerous water transfers identified for change within the Lake Wenatchee Water District Water system Plan. The aggregate volume of these transfers exceeds 1.0cfs. Therefore, the subject transfer is not exempt from SEPA. As required, the applicant has completed a SEPA checklist and published notice of a Determination of Non-significance. No public comments were received during the public notice period.

A determination of MDNS was published in the Leavenworth Echo and Cashmere Valley Record on October 23, 2012. Addendum Number 1 to the SEPA Checklist was prepared by the Lake Wenatchee Water District and received electronically by Ecology on July 19, 2013. The Addendum provides additional clarification regarding the water rights proposed for change to municipal use as part of the "Lake Wenatchee Water District System Consolidation" project. When considered individually, each of the proposed water changes fall below the SEPA threshold; however SEPA requires an agency to look beyond a single permit decision and identify the proposal, including all sufficiently defined components when determining whether SEPA is required. The lead Agency, Lake Wenatchee Water District, determined that the water right changes should not result in any adverse impacts to the environment, and no changes were made to the original SEPA determination of MDNS.

This water right has been changed subsequent to its priority date in the following manner:

No changes have been applied for.

Proposed Use:

The proposed use is as described on the front page of this report.

History:

The subject right was acquired to provide for a community domestic supply for 10 residences. Lester Addition's authorized point of diversion was destroyed by a land slide in March 2011. The State Department of health subsequently authorized an emergency connection to the Whispering Pines Water User's Association which is still in operation.

COMMENT AND PROTESTS

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION

The information or conclusions in this section were authored and/or contributed to by Don Phelps, Karin Whitehall, Waikele Frantz, Marc Marquis, and Mark Peterson. In addition to prior Board investigations, a joint site visit was conducted with DOE staff on 08/01/2013 for the purpose of documenting existing attributes of the subject right. In addition, information regarding the subject right was obtained via interviews with representatives of Lester Addition Water User's Association, Lake Wenatchee Water District and a review of available public records.

Proposed project plans and specifications:

The Lake Wenatchee Water District was established to consolidate various Group A & B water systems for the purposes of improving regulatory compliance and increasing the availability of municipal water service within the boundaries of LWWD. The subject application seeks to add Lake Wenatchee Water District's points of withdrawal, change the place of use to the service area of LWWD, and change purpose of use to municipal.

The applicant requests that the development schedule reflect a 20 year planning horizon. POL 1280 requires that municipal development scheduling be integrated with Department of Health review of water system planning efforts so this decision will adopt the 2032 date as the date beneficial use must be achieved absent an extension of this date as the result of the plan review process. This right has been fully perfected and has no inchoate quantities.

Other water rights appurtenant to the property:

(Portions of the LWWD 2011 Water System Plan Chapter 4 as previously reviewed and approved by the Department of Ecology are excerpted below for reference. Ecology’s acceptance of a Water System Plan is not a tentative determination of the water rights listed in the plan. The Qi and Qa listed for each water right in the table below represent the maximum authorized quantities at the time the listed document was issued. The extent and validity of each water right will be determined by the quantities of water put to actual beneficial use during the five years prior to changing the purpose of use to municipal water supply. A tentative determination of the extent and validity of a water right will be made at the time the purpose of use is changed in accordance with Chapter 90.03.380 RCW.)

The LWWD brings together what had been five independent systems (Lake Wenatchee Water Users Association, Mountain Park/Zufall, Brown Road Water Users Association, Lester Addition Water Company and Whispering Pines Water Users Association) that held six water rights from various sources of supply. The cumulative total of the water rights held by the District is 1.92 cfs (862.5gpm) instantaneous rate and at least 113.76afy annual volume as shown in **Table 4-1**. This includes water rights from three different well sources, one spring source and three Barnard Creek sources.

Table 4-1
Existing Water Rights

DOH Source No. ¹	Source Name	Water Right Number	Priority Date	Instantaneous (Qi)		Annual (Qa)		
				Primary		Primary	Supplemental	
				(cfs)	(gpm)	(acre-ft)	(gpm)	(acre-ft)
S02	Dickinson Well (Lake Wenatchee Users)	Claim 017516	6/14/1909	0.8	359.1	17.76	11.0	
S01	Zufall Well (Mountain Park) ²	Claim 030577	6/20/1933	0.11	50	4.5	2.8	
S01 & S02	Barnard Creek & Brown Road Well (Brown Road)	SWC 8453	11/16/1961	0.2	89.8	55	34.1	
	Barnard Creek (Lester) ³	SWC 9776	8/15/1963	0.1	44.9	6	3.7	
S01	Barnard Creek (Whispering Pines) ⁴	S3-00959C	12/18/1969	0.6	269.3	18	11.2	
S02	Barnard Creek Spring (Whispering Pines) ⁵	S4-26470C	10/26/1979	0.11	49.4	12.5	7.7	18
TOTAL				1.92	862.5	113.76	70.5	18

1 = Since these were independent water systems, the originally assigned Source Number, if one was assigned, is shown here. New source numbers should be assigned for the District to avoid confusion.

2 = Nothing is noted for the annual volume claimed. For planning purposes, the annual right was estimated to be 4.5 acre-feet based on 0.5 acre-ft times the number of connections (9).

3 = No annual volume was indicated on the certificate. For planning purposes, the annual right was estimated to be 6 acre-feet based on 0.5 acre-ft times the number of connections (12).

4 = The language on the report of examination indicated that "The total annual diversion for community domestic supply use authorized under permit for this application shall not exceed 18 acre-feet less any amount diverted for this use under other rights appurtenant to the same lands." At the time the ROE was written, there was another active permit (15951) that has since been cancelled.

5 = The language on the original report of examination and certificate indicated that "A total of 30.5 acre-feet shall be allowed for the purpose of community domestic supply, less any amount applied to these same lands under existing rights". Since both S3-00959C and S4-26470C are being used to supply water to the same lands, the total combined annual quantity that can be diverted under these two water rights is 30.5 afy. Of that 30.5 afy, up to 18 afy can be diverted under S3-00959C, or up to the full 30.5 afy can be diverted under S4-26470C.

Each individual water right, organized by the system that originally held it, is listed in Table 4-1 and discussed below.

Lake Wenatchee Water Users Association

The Lake Wenatchee Water Users Association (Lake Wenatchee Users) held water right claim number 017516 to divert water from the Dickinson Well for community domestic residential use (0.8 cfs and 17.76 afy) with a claimed date of first use of June 14, 1909. Originally, the water right was just for diversion from Fall Creek. However, a change to this water right was processed by the Chelan County Water Conservancy Board and ultimately approved by Ecology with modifications on May 8, 2002. This change application also split the claim into a Record A, which was retained by the Lake Wenatchee Users and a Record B, which was retained by Don West, LLC. Only the Lake Wenatchee Users portion is available for use by the District and will be discussed here. The 2002 decision changed the approved point of diversion/withdrawal from Fall Creek to the Dickinson Well. However, the change approval listed the wrong legal description for the Dickinson Well. So, in June 2009, the Lake Wenatchee Users filed another change application (CS4-017516CL(A)@4) to correct this error, which is still pending as of the date of this Water System Plan (WSP). Water Right Claim 017516 is for municipal water supply purposes since the Lake Wenatchee Water Users Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Lake Wenatchee Water Users Association is a municipal water supplier.

Mountain Park/Zufall

The Mountain Park/Zufall (Mountain Park) water system held water right claim number 030577 to withdraw water from a well for domestic use with a claimed date of first use of June 20, 1933. The name on the face of the water right claim is Mr. Ralph Zufall. This document indicates that he claimed 50 gpm but was only using

25 gpm when the claim was filed in 1973. It does not have any information related to the annual volume claimed or used at the time of filing. Water Right Claim 030577 is not for municipal water supply purposes since the system serves less than 15 residential service connections and does not provide residential water to a nonresidential population of 25 people for at least 60 days a year. Therefore, the Mountain Park/Zufall water system is not a municipal water supplier.

Brown Road Water Users Association

The Brown Road Water Users Association (Brown Road) held surface water certificate number SWC 8453 to divert water from Barnard Creek and withdraw water from a well for domestic use (0.2 cfs and 55afy) with a priority date of November 16, 1961. Originally, the water right was just for diversion from Barnard Creek. However, a change to this water right (CS4-SWC8453@1) was processed by the Chelan County Water Conservancy Board and ultimately approved by Ecology with modifications on June 18, 2003. This change added a well as an additional point of withdrawal/diversion while retaining the original Barnard Creek diversion. Even though the Barnard Creek diversion was retained on SWC 8453 when the well was added as an approved point of withdrawal, the water system has been relying solely on the well as its source of supply since October 2003. SWC 8453 is for municipal water supply purposes since the Brown Road Water Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Brown Road Water Association is a municipal water supplier.

Lester Addition Water Company

The Lester Addition Water Company (Lester) held surface water certificate number SWC 9776 to divert water from Barnard Creek for community domestic supply of 10 homes (0.1cfs) with a priority date of August 15, 1963. Since issuance of the certificate on October 24, 1966, no requests have been made to change any attributes of this water right. As is common on older surface water rights, there is only an instantaneous rate listed with no mention of the authorized annual volume.

Whispering Pines Water Users Association

The Whispering Pines Water Users Association (Whispering Pines) held two water rights: 1) surface water certificate number S3-00959C to divert water from Barnard Creek for domestic use (0.6 cfs and 18 afy) with a priority date of December 18, 1969; and 2) surface water certificate number S4-26470C to divert water from a spring that is tributary to Barnard Creek for domestic use (0.11 cfs and a total of 30.5 afy) with a priority date of October 26, 1979. For S3-00959C, no changes have been processed on this water right certificate since its issuance. However, in November 2001, Whispering Pines submitted a change application to Ecology (CS3-00959C) that requests to change the point of diversion from Barnard Creek to a spring that is tributary to Barnard Creek. This is the same spring that is currently approved as the point of diversion under S4-26470C. This change application is still pending as of the date of this WSP. Originally, water right S4-26470C was just for diversion from Barnard Creek. However, a change to this water right (CS4-26470C) was processed and ultimately approved by Ecology on October 21, 1992. This change made the spring that is tributary to Barnard Creek the authorized point of diversion and removed authorization to use the original Barnard Creek point of diversion. The two water rights held by Whispering Pines contain provisional language that has been interpreted by the District as described below. The original report of examination for S3-00959C contained a provision that stated "The total annual diversion for community domestic supply use authorized under permit for this application shall not exceed 18 acre-feet less any amount diverted for this use under other rights appurtenant to the same lands." At the time the report of examination was written there was another active permit (15951) for the project that has since been cancelled. Since the right that proceeded this right has been cancelled, this right should be considered primary.

For S4-26470C, the language on the original report of examination and certificate indicated that "A total of 30.5 acre-feet shall be allowed for the purpose of community domestic supply, less any amount applied to these same lands under existing rights." Since both S3-00959C and S4-26470C are being used to supply water to the same lands, the total combined annual quantity that can be diverted under these two water rights is 30.5 afy. Of that 30.5afy, up to 18 afy can be diverted under S3-00959C, or up to the full 30.5 afy can be diverted under S4-26470C. Both S3-00959C and S4-26470C are for municipal water supply purposes since the Whispering Pines Water Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Whispering Pines Water Association is a municipal water supplier.

Lastly, as is the case for most large municipal water suppliers, there are various other claims and rights within the District's service area. However, with the exception of S4-WRC001265@3 and S4-WRC28802@1, these other rights and claims are unrelated to the subject right.

Public Interest (groundwater only):

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. The purpose of the proposed change is to improve drinking water quality and enhance reliability and accessibility of municipal water service within the boundaries of LWWD. Therefore, the public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies.

Tentative Determination:

The subject certificate does not include an annual volume. Instant demand is indicated as 0.10cfs. This water right was originally acquired to provide community domestic supply for 10 residences. As per LWWD's Water System Plan prepared by RH2 Engineering in consultation with the State Department of Health and Ecology annual usage is estimated at 0.6af/connection and 6.0afy.

Partial metering data (see attached LWWD Metering Report) for the subject right is available beginning in 2012. Following a landslide in 2011, the State Department of Health authorized emergency connection of Lester Addition to the Whispering Pine's water system. The Whispering Pine's water system supplies water to more than 15 connections and is a municipal supplier as per RCW 90.03. Therefore, by rule of law, the subject right is now purveyed by Lake Wenatchee Water District as a municipal supply. As such, the Board determines the full quantities of 0.1cfs and 6.0afy are now available for transfer and continued municipal use. Any unused volumes remain as inchoate quantities subject to future perfection.

Abandonment:

The Board identified no evidence of intent to abandon the subject right.

Geologic, Hydrogeologic, or other scientific investigations:

Steve Nelson, RH2 Licensed Hydrogeologist has performed an analysis of the transfer application and determined the proposed points of withdrawal are in hydraulic connectivity with existing points of withdrawal/diversion and that the proposed changes can be made without impairment to other water rights. DOE has been consulted and concurs with this analysis. The Board fully incorporates the finding of this report herein the subject change application (see attached Technical Memorandum and DOE emails).

CONCLUSIONS

The water right proposed for change exists to the extent set forth above on page 1.

The water right authorized for change is in a valid exercisable status with regard to the amounts proposed for change, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. At no time was there intent by the water right holder(s) to abandon the rights authorized for change.

The proposed changes will withdraw water from the same body of water and will not impair any existing water rights.

There were no comments or protests.

The proposed changes can be made without injury or detriment to existing water rights.

The proposed changes have complied with SEPA requirements.

The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies and is necessary to address public health related compliance deficiencies associated with the participating water systems. There are no detriments to the public interest resulting from the proposed changes.

Approval of this change will not enlarge the right.

DECISION

Name on Water Right:	Lake Wenatchee Water District
Priority Date:	8/15/1963
Instantaneous Quantity:	0.1cfs
Annual Quantity:	6.0af
Source:	Two Wells
Point of Diversion/withdrawal:	NWSE, Sec. 18, T27, R17EWM Chelan County Parcel #271718400050 NESE, Sec. 13, T27N, R16EWM Chelan County Parcel#271618410050
Purpose of Use: (and number of acres irrigated)	Municipal
Period of Use:	Continuous
Place of Use:	Approved Service Area of Lake Wenatchee Water District

PROVISIONS: The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

- 1) The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
- 2) To prevent the authorized instant withdrawal rates of all Lake Wenatchee Water District rights from being exceeded at any time, the installed instantaneous capacity of the diversion/withdrawal points must be no greater than the total authorized withdrawal for all of said rights. In the future, if additional sources are added to the subject right, then they must be utilized in such a manner that the combined use of all sources does not exceed the total instant demand of all Lake Wenatchee Water District water rights.
- 3) If the criteria in RCW 90.03.386(2) are not met the place of use of this water right reverts to the service area described in the Water System Plan/Small Water System Management Program most recently approved after September 9, 2003. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization.
- 4) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 5) An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements. Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
- 6) Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
- 7) Reported water use data shall be submitted via the Internet or by using forms available at the Central Regional Office of the Department of Ecology in Yakima. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.
- 8) All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned..

- 9) All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

This Order may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Wenatchee, Washington.



11-14-13

Don Phelps, Chair
Chelan County Water Conservancy Board


Date

Appendix:

1. Application
2. Application Map
3. Copy of the Existing Water Right Document
4. Hydrogeologic Report
5. Lester Addition LWWD MOU
6. LWWD Water Meter Report
7. Notice of Application & Declaration of publication
8. Notice of Application to Department of Fish and Wildlife, Indian Tribes, and Parties of Record



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only	
Received:	
	
Reviewed by:	_____
Date Reviewed:	_____

Applicant: Lake Wenatchee Water District

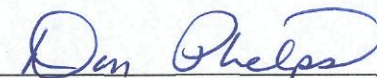
Application Number: CHEL-12-07

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **May 9th, 2013**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **May 9th, 2013** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **May 9th, 2013** and submits this record of decision to the Department of Ecology for final review.

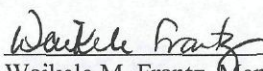
Signed:



Don Phelps, Chair
Chelan County Water Conservancy Board

Date: 5-10-13

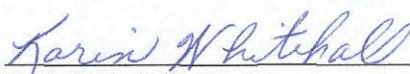
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐



Waikele M. Frantz, Member
Chelan County Water Conservancy Board

Date: 5-10-13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐



Karin Whitehall, Member
Chelan County Water Conservancy Board

Date: 5-10-13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

You have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 800-833-6388 (TTY).

Ecology is an equal opportunity employer



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON



Report of Examination

<input checked="" type="checkbox"/> Surface Water		Ground Water	
DATE APPLICATION RECEIVED 9/13/2012	WATER RIGHT DOCUMENT NUMBER SWC 9776	WATER RIGHT PRIORITY DATE 8/15/1963	BOARD-ASSIGNED CHANGE APPLICATION NUMBER CHEL12-07

NAME Lake Wenatchee Water District (LWWD)			
ADDRESS (STREET) c/o Marc Marquis Peterson & Marquis 1227 First Street	(CITY) Wenatchee	(STATE) WA	(ZIP CODE) 98801

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal
 ☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.1cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 6af	TYPE OF USE, PERIOD OF USE Municipal Continuous				
SOURCE Barnard Creek			TRIBUTARY OF (IF SURFACE WATER) Lake Wenatchee				
AT A POINT LOCATED: PARCEL NO. 271718925090	¼	¼ Gov. Lot 2	SECTION 18	TOWNSHIP N. 27N	RANGE 17E	WRIA 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED Approved Service Area of Lake Wenatchee Water District							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND 0.1cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 6af	TYPE OF USE, PERIOD OF USE Municipal Continuous				
SOURCE Barnard Creek Two Wells			TRIBUTARY OF (IF SURFACE WATER) Lake Wenatchee				
AT A POINT LOCATED: PARCEL NO. 271718925090 271718400050 271613410050	¼ NW NE	¼ Gov Lot 2 SE SE	SECTION 18 18 13	TOWNSHIP N. 27N 27N 27N	RANGE 17 17 16	WRIA 45 45 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of removing the place of use of this water right.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board’s Decision on the Application

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
				6.0af		Municipal Continuous	
SOURCE				TRIBUTARY OF (IF SURFACE WATER)			
Barnard Creek				Lake Wenatchee			
Two Wells							
AT A POINT LOCATED:							
PARCEL NO.		¼		¼		COUNTY.	
271718925090		Gov Lot 2		SECTION		Chelan	
271718400050		NW		18			
271613410050		SE		18			
		NE		13			
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO.		¼		¼		RANGE,	
				SECTION		TOWNSHIP N.	

DESCRIPTION OF PROPOSED WORKS

Water will be purveyed via a newly constructed municipal water system that will provide water to the subject area which is located within the service area of the Lake Wenatchee Water District. The LWWD may install additional V at authorized POW to insure access to full instantaneous water quantities.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Project Started	COMPLETE PROJECT BY THIS DATE: 2022	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 2032
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REPORT

BACKGROUND

Public notice of the application was published in the Wenatchee World on 2/21/13 and 2/28/13. Protest period ended on 03/30/2013. See attached Notice of Application for Changes to a Water Right together with its affidavit of publication. In addition to publication, this notice was sent to the Department of Fish and Wildlife, Indian Tribes, and other Parties of Record.

Attributes of the water right and the proposed changes as recited in the notice are as follows:

Name on Claim	Lester Addition Water Company
Document Number	SWC-9776C
As Modified by Change #	NA
First Use/Priority	8/15/1963
Source	Barnard Creek
Qi	0.10cfs
Qa	None provided
POW	Gov Lot 2, Sec. 18, T27N, R17EWM Chelan County
Place of Use	Gov Lot 4, Sec. 18, T 27N, R17EWM Chelan County
Purpose of Use	Community Domestic Supply
Provisions	NA

TAKE NOTICE: That on 9-13-2012 Lake Wenatchee Water District of Chelan County, Washington filed an application with the Chelan County Water Conservancy Board which was accepted and assigned identifier No. CHEL-12-07. You are encouraged to inquire further as directed below, but be advised of the following details:

Surface Water Certificate 9776 originally issued to Lester Addition Water Company with a priority date of 8/15/1963 authorizes the diversion of 0.10 cubic feet per second from Barnard Creek at a point located within Government Lot 2, Sec. 18, T27N, R17EWM for use within Government Lot 4, Sec. 18, T27N, R17 all in Chelan County, WA to provide for community domestic supply.

Proposed changes to this right include authorization of additional points of withdrawal locations TBD in Sections 12 and/or 13, T27N, R16EMW and/or Sections 7, 17, and/or 18 T27N, R17EWM and changing the place of use to the service area of the Lake Wenatchee Water District to allow for redistribution as municipal supply.

Signatures:

LWWD is the municipal supplier for all residences located within the described place of use. Water systems/users located within the service area of LWWD have executed MOUs to allow for redistribution of the subject right as municipal supply. The applicant has provided all required signatures on the application for the purposes of conforming the water right to the service area of the LWWD.

Tentative Determination

The source of water, location of withdrawal/diversion, place of use, and extent of beneficial use are as tentatively described on the front page of this report. Hearings were held in Chelan County by the Chelan County Water Conservancy Board which tentatively determined the extent and validity of the right as referenced above following investigation into the historical water use as described below. A full analysis of the Board's tentative determination is provided in the Investigation Section.

SEPA:

The proposed transfer is exempt from the provisions of the State Environmental Policy Act pursuant to WAC 197-11-800 (4) as it seeks authorization for the transfer of less than 1cfs of surface water diversion.

This water right has been changed subsequent to its priority date in the following manner:

No changes.

Proposed Use:

The proposed use is as described on the front page of this report.

History:

The Lester Addition Water Company (Lester) held surface water certificate number SWC 9776 to divert water from Barnard Creek for community domestic supply of 10 homes (0.1cfs) with a priority date of August 15, 1963. Since issuance of the certificate on October 24, 1966, no requests have been made to change any attributes of this water right. As is common on older surface water rights, there is only an instantaneous rate listed with no mention of the authorized annual volume. Water Right SWC 9776 is not for municipal water supply purposes since the system serves less than 15 residential service connections and does not provide residential water to a nonresidential population of 25 people for at least 60 days a year. Therefore, the Lester Addition Water Company is not a municipal water supplier.

COMMENT AND PROTESTS

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION

Proposed project plans and specifications:

The Lake Wenatchee Water District has been established to consolidate numerous small community water systems for the purposes of improving water quality and enhancing the accessibility and reliability of municipal water service within the boundaries of LWWD. LWWD proposes to retain the existing POWs/PODs for potential intertie into the new municipal system and to add the LWWD's authorized POWs to the subject right to help meet current and existing consumer demands.

The applicant requests that the development schedule reflect a 20 year planning horizon. POL 1280 requires that municipal development scheduling be integrated with Department of Health review of water system planning efforts so this decision will adopt the 2032 date as the date beneficial use must be achieved absent an extension of this date as the result of the plan review process. This right has been fully perfected and has no inchoate quantities.

Other water right appurtenant to the property: (Excerpted from LWWD 2011 Water System Plan)

The LWWD brings together what had been five independent systems (Lake Wenatchee Water Users Association, Mountain Park/Zufall, Brown Road Water Users Association, Lester Addition Water Company and Whispering Pines Water Users Association) that held six water rights from various sources of supply. The cumulative total of the water rights held by the District is 1.92 cfs (862.5gpm) instantaneous rate and at least 113.76afy annual volume as shown in **Table 4-1**. This includes water rights from three different well sources, one spring source and three Barnard Creek sources.

Table 4-1
Existing Water Rights

DOH Source No. ¹	Source Name	Water Right Number	Priority Date	Instantaneous (Qi)		Annual (Qa)		
				Primary		Primary	Supplemental	
				(cfs)	(gpm)	(acre-ft)	(gpm)	(acre-ft)
S02	Dickinson Well (Lake Wenatchee Users)	Claim 017516	8/14/1909	0.8	359.1	17.76	11.0	
S01	Zufall Well (Mountain Park) ²	Claim 030577	8/20/1933	0.11	50	4.5	2.8	
S01 & S02	Barnard Creek & Brown Road Well (Brown Road)	SWC 8453	11/16/1961	0.2	89.8	55	34.1	
	Barnard Creek (Lester) ³	SWC 9778	8/15/1963	0.1	44.9	6	3.7	
S01	Barnard Creek (Whispering Pines) ⁴	S3-00959C	12/18/1969	0.8	269.3	18	11.2	
S02	Barnard Creek Spring (Whispering Pines) ⁵	S4-26470C	10/26/1979	0.11	49.4	12.5	7.7	18
TOTAL				1.92	862.5	113.76	70.5	18

1 = Since these were independent water systems, the originally assigned Source Number, if one was assigned, is shown here. New source numbers should be assigned for the District to avoid confusion.

2 = Nothing is noted for the annual volume claimed. For planning purposes, the annual right was estimated to be 4.5 acre-feet based on 0.5 acre-ft times the number of connections (9).

3 = No annual volume was indicated on the certificate. For planning purposes, the annual right was estimated to be 6 acre-feet based on 0.5 acre-ft times the number of connections (12).

4 = The language on the report of examination indicated that "The total annual diversion for community domestic supply use authorized under permit for this application shall not exceed 18 acre-feet less any amount diverted for this use under other rights appurtenant to the same lands." At the time the ROE was written, there was another active permit (15951) that has since been cancelled.

5 = The language on the original report of examination and certificate indicated that "A total of 30.5 acre-feet shall be allowed for the purpose of community domestic supply, less any amount applied to these same lands under existing rights". Since both S3-00959C and S4-26470C are being used to supply water to the same lands, the total combined annual quantity that can be diverted under these two water rights is 30.5 afy. Of that 30.5 afy, up to 18 afy can be diverted under S3-00959C, or up to the full 30.5 afy can be diverted under S4-26470C.

Each individual water right, organized by the system that originally held it, is listed in Table 4-1 and discussed below.

Lake Wenatchee Water Users Association

The Lake Wenatchee Water Users Association (Lake Wenatchee Users) held water right claim number 017516 to divert water from the Dickinson Well for community domestic residential use (0.8 cfs and 17.76 afy) with a claimed date of first use of June 14, 1909. Originally, the water right was just for diversion from Fall Creek. However, a change to this water right was processed by the Chelan County Water Conservancy Board and ultimately approved by Ecology with modifications on May 8, 2002. This change application also split the claim into a Record A, which was retained by the Lake Wenatchee Users and a Record B, which was retained by Don West, LLC. Only the Lake Wenatchee Users portion is available for use by the District and will be discussed here. The 2002 decision changed the approved point of diversion/withdrawal from Fall Creek to the Dickinson Well. However, the change approval listed the wrong legal description for the Dickinson Well. So, in June 2009, the Lake Wenatchee Users filed another change application (CS4-017516CL(A)@4) to correct this error, which is still pending as of the date of this Water System Plan (WSP). Water Right Claim 017516 is for municipal water supply purposes since the Lake Wenatchee Water Users Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Lake Wenatchee Water Users Association is a municipal water supplier.

Mountain Park/Zufall

The Mountain Park/Zufall (Mountain Park) water system held water right claim number 030577 to withdraw water from a well for domestic use with a claimed date of first use of June 20, 1933. The name on the face of the water right claim is Mr. Ralph Zufall. This document indicates that he claimed 50 gpm but was only using 25 gpm when the claim was filed in 1973. It does not have any information related to the annual volume claimed or used at the time of filing. Water Right Claim 030577 is not for municipal water supply purposes since the system serves less than 15 residential service connections and does not provide residential water to a nonresidential population of 25 people for at least 60 days a year. Therefore, the Mountain Park/Zufall water system is not a municipal water supplier.

Brown Road Water Users Association

The Brown Road Water Users Association (Brown Road) held surface water certificate number SWC 8453 to divert water from Barnard Creek and withdraw water from a well for domestic use (0.2 cfs and 55afy) with a priority date of November 16, 1961. Originally, the water right was just for diversion from Barnard Creek. However, a change to this water right (CS4-SWC8453@1) was processed by the Chelan County Water Conservancy Board and ultimately approved by Ecology with modifications on June 18, 2003. This change added a well as an additional point of withdrawal/diversion while retaining the original Barnard Creek diversion. Even though the Barnard Creek diversion was retained on SWC 8453 when the well was added as an approved point of withdrawal, the water system has been relying solely on the well as its source of supply since October 2003. SWC 8453 is for municipal water supply purposes since the Brown Road Water Association system serves 15 or more residential service connections and/ or provides

residential water to a nonresidential population of 25 people for at least 60 days a year. The Brown Road Water Association is a municipal water supplier.

Lester Addition Water Company

The Lester Addition Water Company (Lester) held surface water certificate number SWC 9776 to divert water from Barnard Creek for community domestic supply of 10 homes (0.1cfs) with a priority date of August 15, 1963. Since issuance of the certificate on October 24, 1966, no requests have been made to change any attributes of this water right. As is common on older surface water rights, there is only an instantaneous rate listed with no mention of the authorized annual volume. Water Right SWC 9776 is not for municipal water supply purposes since the system serves less than 15 residential service connections and does not provide residential water to a nonresidential population of 25 people for at least 60 days a year. Therefore, the Lester Addition Water Company is not a municipal water supplier.

Whispering Pines Water Users Association

The Whispering Pines Water Users Association (Whispering Pines) held two water rights: 1) surface water certificate number S3-00959C to divert water from Barnard Creek for domestic use (0.6 cfs and 18 afy) with a priority date of December 18, 1969; and 2) surface water certificate number S4-26470C to divert water from a spring that is tributary to Barnard Creek for domestic use (0.11 cfs and a total of 30.5 afy) with a priority date of October 26, 1979. For S3-00959C, no changes have been processed on this water right certificate since its issuance. However, in November 2001, Whispering Pines submitted a change application to Ecology (CS3-00959C) that requests to change the point of diversion from Barnard Creek to a spring that is tributary to Barnard Creek. This is the same spring that is currently approved as the point of diversion under S4-26470C. This change application is still pending as of the date of this WSP. Originally, water right S4-26470C was just for diversion from Barnard Creek. However, a change to this water right (CS4-26470C) was processed and ultimately approved by Ecology on October 21, 1992. This change made the spring that is tributary to Barnard Creek the authorized point of diversion and removed authorization to use the original Barnard Creek point of diversion. The two water rights held by Whispering Pines contain provisional language that has been interpreted by the District as described below. The original report of examination for S3-00959C contained a provision that stated "The total annual diversion for community domestic supply use authorized under permit for this application shall not exceed 18 acre-feet less any amount diverted for this use under other rights appurtenant to the same lands." At the time the report of examination was written there was another active permit (15951) for the project that has since been cancelled. Since the right that proceeded this right has been cancelled, this right should be considered primary.

For S4-26470C, ^{the} ~~the~~ language on the original report of examination and certificate indicated that "A total of 30.5 acre-feet shall be allowed for the purpose of community domestic supply, less any amount applied to these same lands under existing rights." Since both S3-00959C and S4-26470C are being used to supply water to the same lands, the total combined annual quantity that can be diverted under these two water rights is 30.5 afy. Of that 30.5afy, up to 18 afy can be diverted under S3-00959C, or up to the full 30.5 afy can be diverted under S4-26470C. Both S3-00959C and S4-26470C are for municipal water supply purposes since the Whispering Pines Water Association system serves 15 or more residential service connections and/ or provides residential water to a nonresidential population of 25 people for at least 60 days a year. The Whispering Pines Water Association is a municipal water supplier.

Public Interest (groundwater only):

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. The purpose of the proposed change is to improve drinking water quality and enhance reliability and accessibility of municipal water service within the boundaries of LWWD. Therefore, the public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies.

Tentative Determination:

Metering data is not available for the subject right. In the absence of metering data, the Board assumed a maximum of 800gpd as suggested by DOE POL1230. Here, the subject right has continuously provided domestic water for 10 residential connections which would potentially result in a projected maximum annual quantity of approximately 10afy. However, maximum projections are not likely achieved as the described connections consist primarily of vacation homes which receive less than full-time year round use. Therefore, based upon the limited information available, the Board tentatively determines the extent and validity of the right is equal to 0.1cfs and 6.0af as described within the 2011 Water System Plan.

LWWD is the municipal supplier for residences located within the described place of use. Water systems/users located within this service area have executed MOUs with the LWWD to allow for redistribution of the subject right as municipal supply. Therefore, the Board tentatively determines the subject right is presently held by LWWD as a de facto municipal supply.

Abandonment:

A review of documents recorded with the Chelan County Auditor indicates the subject right has been continuous utilized by the Lester Addition Water Company to supply domestic water to the identified residential connections. The Board identified no evidence of intent to abandon the subject right.

Geologic, Hydrogeologic, or other scientific investigations:

Steve Nelson, RH2 Licensed Hydrogeologist has performed an analysis of the transfer application and determined the proposed points of withdrawal are in hydraulic connectivity with existing points of withdrawal/diversion and that the proposed changes can be made without impairment to other water rights. DOE has been consulted and concurs with this analysis. The Board fully incorporates the finding of this report herein the subject change application (see attached Technical Memorandum and DOE emails).

CONCLUSIONS

The water right proposed for change exists to the extent set forth above on page 1.

The water right authorized for change is in a valid exercisable status with regard to the amounts proposed for change, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. At no time was there intent by the water right holder(s) to abandon the rights authorized for change.

The proposed changes will withdraw water from the same body of water and will not impair any existing water rights.

There were no comments or protests.

The proposed changes can be made without injury or detriment to existing water rights.

The proposed changes are SEPA Exempt.

The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies and is necessary to address public health related compliance deficiencies associated with the participating water systems. There are no detriments to the public interest resulting from the proposed changes.

Approval of this change will not enlarge the right.

DECISION

Name on Water Right:	Lake Wenatchee Water District
Priority Date:	8/15/1963
Instantaneous Quantity:	0.1 cfs
Annual Quantity:	6.0 af
Source:	Barnard Creek Two Wells
Point of Diversion/withdrawal:	Gov. Lot 2, Sec. 18, T27N, R17EWM Chelan County Parcel #271718925090 (creek) NWSE, Sec. 18, T27, R17EWM Chelan County Parcel #271718400050 (well) NESE, Sec. 13, T27N, R16EWM Chelan County Parcel#271618410050(well)
Purpose of Use: (and number of acres irrigated)	Municipal
Period of Use:	Continuous
Place of Use:	Approved Service Area of Lake Wenatchee Water District

PROVISIONS: The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

- 1) The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.


This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

- 2) An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
- 3) To prevent the authorized instant withdrawal rates of all Lake Wenatchee Water District rights from being exceeded at any time, the installed instantaneous capacity of the diversion/withdrawal points must be no greater than the total authorized withdrawal for all of said rights. In the future, if additional sources are added to the subject right, then they must be utilized in such a manner that the combined use of all sources does not exceed the total instant demand of all Lake Wenatchee Water District rights which is 1.92cfs/865.2 gpm and 113.76 af.
- 4) The provisions and requirements outlined in previous Ecology modification orders and Board decisions shall remain in effect.
- 5) If the criteria in RCW 90.03.386(2) are not met the place of use of this water right reverts to the service area described in the Water System Plan/Small Water System Management Program most recently approved after September 9, 2003. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization.
- 6) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 7) Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
- 8) Reported water use data shall be submitted via the Internet or by using forms available at the Central Regional Office of the Department of Ecology in Yakima. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.

This Order may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Wenatchee, Washington.


 Don Phelps, Chair
 Chelan County Water Conservancy Board

5-10-13
 Date

Appendix:

1. Application
2. Application Map
3. Copy of the Existing Water Right Document
4. Hydrogeologic Report
5. Notice of Application & Declaration of publication
6. Notice of Application to Department of Fish and Wildlife, Indian Tribes, and Parties of Record